

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FALCON ENTERPRISES, INC., *et al.*,

Plaintiffs,

v.

CENTURION LTD., *et al.*,

Defendants.

No. C07-0065RSL

ORDER REQUESTING
SUPPLEMENTAL RESPONSE
FROM PLAINTIFFS

This matter comes before the Court on “Defendant Centurion Ltd.’s Motion to Dismiss for Insufficiency of Service of Process Pursuant to Fed. R. Civ. P. 12(b)(5), Lack of Personal Jurisdiction Pursuant to Fed. R. Civ. P. 12(b)(2), and Forum Non Conveniens” (Dkt. #8).

In their first amended complaint, plaintiffs supply no jurisdictional allegations connecting defendant Centurion Ltd. (“defendant”) with the forum state of Washington. The first amended complaint states only that: “This Court has personal jurisdiction over the Defendants and venue is proper within the Western District of Washington because Centurion is a foreign corporation with its principal place of business and operations in Amsterdam, The Netherlands[.]” See Dkt. #4 at ¶1.

In response to the allegations in the complaint, defendant filed the pending motion to dismiss. In their opposition to the motion to dismiss, plaintiffs submitted a declaration from

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1 plaintiffs' president, Jason Tucker. See Dkt. #13 (Turner Decl.). To support jurisdiction in this
2 matter, Mr. Tucker states: "Based upon my knowledge and experience in the industry,
3 Centurion, Ltd. has numerous affiliates/webmasters that are located in the state of Washington."
4 See Dkt. #13 at ¶8. Mr. Tucker also states that: "In October 2006, the images provided to
5 affiliates/webmasters by Centurion, Ltd. which have infringed Copyrights of Falcon Enterprises,
6 Inc. and Falcon Foto, LLC were documented on a computer located in the State of Washington."
7 Id. at ¶10.

8 In light of these statements and defendant's pending motion to dismiss, the Court requests
9 that plaintiffs file a supplemental declaration from Mr. Tucker providing support for the
10 assertion that "Centurion, Ltd. has numerous affiliates/webmasters located in the state of
11 Washington" and clarifying what is meant by the term "documented" in his statement that in
12 "October 2006 . . . images were documented on a computer located in the State of Washington."
13 Id. (emphasis added).

14 In opposition to defendant's motion, plaintiffs also submitted a declaration from Jeffrey
15 L. Cully stating that on March 26, 2007, as a resident of the State of Washington, he "enrolled in
16 the Porn Profit Webmaster Program." See Dkt. #14 (Cully Decl.) at ¶4. In light of this
17 declaration and defendant's pending motion to dismiss, the Court requests that plaintiff file a
18 supplemental declaration from Mr. Cully declaring whether or not he enrolled in the Webmaster
19 Program either at the direction of plaintiffs, their agents or counsel, or in response to defendant's
20 motion to dismiss.

21 Also in opposition to defendant's motion to dismiss for lack of personal jurisdiction,
22 plaintiffs allege:

- 23 • "It is believed and alleged that literally thousands of Washington residents are paid
24 members of Centurion's Web sites;"

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- 1 • “[I]t is believed and alleged that there are numerous persons in the State of
- 2 Washington that are in an ongoing contractual relationship with Centurion to
- 3 receive monies for directing Internet users to Centurion’s Web sites;” and
- 4 • “Centurion has established long term significant relationships with forum residents
- 5 both as customers and as Webmasters promoting Centurion’s products and sharing
- 6 in revenue.”

7 See Dkt. #12 at 6. In light of defendant’s pending motion to dismiss, the Court requests that

8 plaintiffs file a supplemental response providing evidentiary support for these allegations.

9 The supplemental materials requested by the Court from plaintiffs shall be filed no later

10 than **June 1, 2007**. Defendant shall file its response, if any, to these supplemental materials by

11 **June 8, 2007**.

12 DATED this 22nd day of May, 2007.

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15 Robert S. Lasnik

16 United States District Judge

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